

[Sri M. A. Manickavelu] [18th March 1955]

affected to May 1955. He considers that grant of loans on a large scale is not necessary and that free grant in cash for repair of damaged roofs is necessary in a few cases. Grant of special remission of assessment will also be necessary in view of the total destruction of standing crops. The Collector has promised to send a detailed report shortly."

SRI S. DAIVASIGAMONEY :—" Sir, I read in the papers that a hailstorm weighing about 20 stones fell in Gobichettipalayam. Is it correct? "

THE HON. SRI M. A. MANICKAVELU :—" Perhaps, I may flatly deny it."

SRI K. UPPI :—" May I know whether the Government or the Hon. Minister has seen a photo published in ' The Mail ' about the hailstorm which was weighing about 500 lb."

MR. SPEAKER :—" Let there be no debate on this matter. The Hon. the Finance Minister will now reply to the discussion on the Police Demand."

IV.—VOTING ON DEMANDS FOR GRANTS FOR THE
 YEAR 1955-56—*cont.*

(1) DEMAND XIV—POLICE—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, the debate on the Demand relating to Police did not evoke as much heat as it always used to do. That I take as a recognition by this House and also by the public of the very important and essential role which the Police have got to play in the administration of a country. Whatever be the set-up, it is necessary to have an efficient and good Police Force for the purpose of keeping law and order. For the progress of any community, it is necessary to have security of person and property—I advisedly say ' property ' also—properly guaranteed and without that security, we cannot have any peaceful progress. It may be that in times of revolutions or during days of civil conflagration the law is not obeyed and the law and order situation is fluid. But in any well-established society it is necessary to maintain law and order in the interests of the community. Therefore, the Police department discharges a very essential function in the administration of any Government. When I referred to security of person and property, I advisedly laid some stress on security of property also. It may be that the conception of property is changing from time to time. But the property according to the recognized conception of law will have to be protected and it is the duty of the Police to give such protection. Whether that conception of property is liked or not, whether it is popular or not, as long as it is in the existing law that certain property and individual rights are recognized, it is the duty of the Police to give protection to it. But I am afraid that there is certain amount of confusion in regard to this matter.

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“ Simply because we want to make certain changes in the conception of property and we want to establish certain rights involved in private property, we should not expect the Police to come to our aid when a certain law exists recognizing those rights. It is because of this misunderstanding that certain charges were levelled against the Police with reference to the rights of kisans, mirasidars and labourers. As far as the Police are concerned, they have to administer the law as it stands. The Police cease to be efficient if they should go into the question of finding out whether the law is just or unjust. As long as the law stands, they are bound to see that that law is enforced. Therefore, all these allegations that the Police have been taking sides in certain matters—for example in Tanjore they were giving protection to mirasidars and they were acting against the interests of kisans—arise because of this misunderstanding. As long as the law recognizes that a certain share is to be paid to a landlord and certain contractual obligations have to be respected under a law, it is the duty of the Police to give protection to that law. Therefore, they should not find fault with the Police for that. If at all they want to find fault, they should find fault with the Government which do not make a change according to the need of the situation and their policy underlying it. It is no use blaming the Police and I want to make that point quite clear to hon. Members. If that is understood, I am sure, most of these misunderstandings would not have arisen.

“ Then I come to another aspect of the matter. I agree that in discharging those functions, we have got to see that they act in a just manner. If, in the discharge of their duties, they have committed mistakes, certainly hon. Members are bound to point out them and as a Government we are bound to take notice of that. If there had been any unjustifiable or unjust action on the part of the Police officer, certainly the Government should enquire into it and take necessary action to stop it. I am afraid, we should not, in the interest of the efficient administration of the Police department, attack the Police for giving protection to existing and recognized rights.

“ Sir, charges have also been made that the Police have not got out of their past traditions and even though some of the officers have changed, many of them have not changed for the better and the same mental attitude is still being maintained by some of them. I do not want to deny them completely but the only thing that I want to make clear is that it cannot be a one-sided affair. After all, the Police have to function within the community and if there has got to be better relationship between the public and the Police, the mental attitude of the Police and the mental attitude of the public have to change. As there are certain past traditions and past habits with the Police, the public have also got their own past history and their mental attitude formed due to conditions which existed prior to Independence. We always looked

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upon the Police as supporters of the alien regime and many of us have not changed that attitude and that habit. In this connexion, I would like to recall to this Honourable House the supplementary question put by the hon. Member, Sri Chellathurai, with regard to the dogs maintained by the Police department. Of course he wanted to pun upon the words 'Police dogs' but still it reflected what was in his mind and he gave expression to it. I am not finding fault with him in that respect. I can well understand his attitude towards the Police in view of the untold sufferings he had undergone during the freedom struggle. But we should change when circumstances have changed. I referred to it only as an illustration to show that that attitude continues to a lesser or greater degree in the mind of all of us who had participated in the freedom movement. We want the Police to change their attitude but at the same time it is also necessary for us to change our attitude and look upon the Police as guardians of law and order and as friends of the people. Unless that attitude comes in the minds of the people also, we cannot expect a revolutionary change in the minds of the policemen also. I do not say that the Police do not have a duty in the changed set-up. They also have to change the attitude but it cannot be a mere unilateral affair. Therefore, I only want to appeal through this House to the Public that it is not as if an alien administration is here, using the Police for its own purpose and for the purpose of maintaining it. Here a Government based on democracy elected by the people are functioning and the Police are for the purpose of carrying out the orders of the Government in the interests of the people. If only people come forward to look upon the Police as instruments for the good administration of the country, I have absolutely no doubt that the feeling against the Police would disappear and policemen who are also human beings are bound to reciprocate it. But if we continue to have that feeling of hostility against the Police, as human beings they are also bound to reciprocate it at least to a certain degree even though as officials belonging to a very disciplined force they are found to control their emotions or feelings to a greater extent. Still they are also human beings. Therefore, it has to be looked not merely from the attitude of the policemen but it has also got to be looked at from the attitude of the public and the legislators also. So my appeal to the public is that they should look upon the Police not as instruments of tyranny or as instruments used for the purpose of teasing them. They are being maintained for the purpose of acting in the interests of the community as a whole. As I explained in the beginning, unless there is security to the person and property, there can be no orderly progress and there can be no real happiness of the people."

SRI K. C. GOPALAN UNNI:—"On a point of order, Sir. Police is the portfolio of the Hon. the Chief Minister but the Hon. the Minister for Finance . . ."

MR. SPEAKER:—"One Minister can reply on behalf of another Minister."

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* SRI K. C. GOPALAN UNNI :—“ I can understand if the Hon. the Chief Minister is not here but when he is here, is it not fair to this House that he should reply to the debate and not the Hon. Minister for Finance.”

THE HON. SRI C. SUBRAMANIAM :—“ Apart from the point of order raised by the hon. Member, I have already begun my reply and I have the right to continue it. Even the Hon. the Chief Minister cannot interrupt me! ”

* SRI K. C. GOPALAN UNNI :—“ I want a ruling from the Chair.”

MR. SPEAKER :—“ The Cabinet has got the collective responsibility and one Hon. Minister can reply for another Hon. Minister.”

SRI E. L. RAGHAVA MUDALIAR :—“ The Hon. the Chief Minister was not here when the Hon. Minister for Finance began his reply. It is better that the Hon. Minister in charge of the portfolio replies to the debate.”

* THE HON. SRI C. SUBRAMANIAM :—“ That is one aspect of the matter which I want to place before this House for its careful consideration.

“ Then with reference to the law and order situation which prevailed during the current year, I wish to place before this House certain facts and figures which would go to show that there has been considerable improvement in the law and order situation. It is true that up to the year 1953 (including that year) there has been an increasing tendency towards lawlessness, but now the situation is well under control and I am happy to announce to the House that we have turned the corner. I may quote the figures. In 1954, the number of cognizable crimes was 54,226 as against 72,880 in the year 1953. That shows a decrease of 25.6 per cent. I may also state that there is still a downward tendency and therefore we need not be unduly alarmed by the figures of 1952 and 1953 and be under the impression that lawlessness is on the increase in our State. 10 a.m.

“ This improvement in the situation is attributed to very many causes. First and foremost is the favourable seasonal condition obtaining in our country. Lawlessness was on the increase because of the very unfavourable seasonal conditions which prevailed continuously for a number of years and because of the poverty conditions prevailing in the country people took to lawlessness. That is an important factor to be borne in mind. Now that the seasonal conditions have improved considerably, there is a marked fall in the crime situation also. Further we have also taken effective preventive measures and, as a result of this, many crimes have been prevented. Many criminal organizations have been unearthed during the current year and they have been effectively dealt with. There has been a vigorous drive organized against professional criminals

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and bad characters. Due to all this, the situation has considerably improved and we are hoping that it would improve still further during the year 1955-56.

" On the question of lawlessness, I would like to make certain general observations. After all, lawlessness is due to the conditions prevailing in the community and the mental attitude of the community as such. If for the purpose of achieving certain things—those things may be good—we adopt certain methods of lawlessness, it does not confine itself to that particular purpose alone. The members in the community want to use those lawless methods for other purposes also. I will give the example of the fast undertaken by Mahatma Gandhi. I do not want to cite other examples. Nobody could attribute any motive to Mahatma Gandhi for undertaking a fast and the purpose for which the fast was undertaken. But what do we see to-day? All sorts of persons are undertaking fasts for all sorts of purposes, even for ridiculous and evil purposes. That is what is happening to-day. So also with regard to strikes. Strike is one form of non-co-operation. It was used by Mahatma Gandhi for the purpose of attaining freedom. But once it is used for a certain purpose it does not get restricted to that purpose alone. The community wants to use it for all purposes about which we may not agree. That is why I say that even though lawless methods are adopted for very good purposes, it has its own repercussions in the community. That is what we are finding to-day. Therefore, if after the war, the law and order situation had deteriorated, I should think that war itself had contributed to that to a very great extent and apart from that, if my hon. Friends sitting on the opposite side would not mistake me, I should say that the policy adopted by the Communist Party had also contributed to it. The establishment of a Communist society is supreme in their minds and they think that any method can be adopted to achieve that purpose and violence could be used. Of course, they use those methods only for the purpose of achieving, may be, a desirable end. But it does not stop there. Lawless acts are resorted to by others also who do not understand why the Communist Party is using violence. Even if they understand, they think that the use of violence is justified. Therefore I say, it spreads into the community. If there has been deterioration in the law and order situation, it is not due to this particular cause or that. The general situation in the country has also contributed to it. Therefore if we are all interested in seeing that conditions should improve and that our community should progress peacefully towards the ideal which we have placed before ourselves, apart from private individuals, it is necessary for political parties to follow high standards with regard to the actions they take and therefore I would appeal to all the political parties in the country to see that they have a responsibility to discharge in this respect. Now that we have a democratic form of Government under which power has been transferred to the people and the people can have the form of Government and the form of society which they want, it is not necessary to bring any changes by adopting lawless methods

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or methods of violence and methods opposed to existing laws. If that is understood and such an atmosphere is created, that will greatly be conducive to the maintenance of law and order in the country and to that extent we will be able to reduce our expenditure on police administration and the money can be utilised for other developmental expenditure. Therefore, there is no use of accusing the Government or the Police Department for the conditions prevailing in the country. The Police Department are trying to tackle the situation and if we want a reduction in the police expenditure and if we want that there should not be police action in any sector, it is necessary for the community to create conditions wherein there will not be any necessity for the police to interfere. There is no use of finding fault with the police if they have to interfere for the purpose of maintaining law and order.

“ With regard to investigation of crimes and prosecution of the criminals, many charges have been made on the floor of this House and I do agree with some of these charges. With regard to investigation of crimes, we have to bear in mind two aspects. One is professional crime, which mainly relates to offences against property and as far as those cases are concerned, no doubt, with very skilful investigation we may be able to detect crimes and see that the criminals are convicted. But with reference to other offences, that is, offences against persons, they are not committed by professional criminals. Such offences take place in the midst of the people in the villages and towns. Only with the co-operation of the public, it would be possible for the police to detect such crimes properly. If there is no public co-operation, however efficient the Police might be, it would not be possible to have efficient investigation and efficient detection. Therefore, in all these cases, unless the people come forward, even at the stage of investigation, to state the truth and nothing but the truth and not to hide from the Police any facts which are known to them, it is almost impossible for any Police official to function properly. Unfortunately, with regard to this matter, we have developed a sort of mental attitude and we are not worried as to what happens to another person. If a murder is committed and if we witness that murder, we will usually shirk the responsibility of being a witness in that case. I know the various irksomeness caused by being a witness because apart from the fact he has got to go to the Police station and then to the Court, he has got to subject himself to very skilful cross-examination by lawyers like Sri S. Swayamprakasam, Sri Raghava Mudaliyar and others and, myself being a criminal lawyer, I know all these facts to a certain extent. There is a certain amount of hesitation on the part of the public to be witnesses in cases even though they may be aware of certain facts. That sort of attitude should go. After all, the detection of crime is not merely the function of the Police. It is not for the satisfaction of the Police that detection of crime is made. Detection of crime has to be made for the sake of the community. Unless the public realize their responsibility in the investigation and detection of crime, the Police officers cannot function properly. That atmosphere should be

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created. I do agree that the Police also have to change their attitude to the public to a certain extent. They should treat persons in a respectful manner and properly. They should so conduct themselves that the public should not feel hesitant to go to the Police station. The public, provided they are law abiding, should feel that the Policeman is their friend. It should be possible for anybody to approach a police official and get justice. I do agree that such an atmosphere should be created. Unless such an atmosphere is created and there is co-operation between the public and the Police Administration, it would not be possible to have efficient investigation and detection.

“ Even with reference to prosecution of criminals, what do we see? In many of these cases, we find real witnesses are not willing to come forward to give evidence. All sorts of witnesses have got to be put forward when a Police official is satisfied that a person is a criminal and he tries his best to see that the criminal is booked. Therefore, all sorts of witnesses who are available are put forward for the purpose of getting a conviction. Many of these witnesses when handled properly by lawyers break down during cross-examination and even true cases fail. When true cases fail, there is indignation in the community who point out : ‘ Here is a man who committed actual murder but he has been acquitted by the Court because the Police have not been able to conduct the prosecution properly.’ That is the charge levelled against Police officials. It is not merely due to inefficiency of the Police officials that true cases fail. It is because witnesses who had witnessed occurrence of crimes were not prepared to come forward to give out the truth, to speak out the truth in the Courts of Law and when made-up witnesses were put forward, naturally they broke down during cross-examination resulting in the failure of cases. That is the difficulty which we are finding. I am talking to you frankly because, having been a lawyer and having dealt with criminal cases, I know the problems to a certain extent. Therefore, we should impress upon the public that it is the responsibility of a citizen in a free country that he should assist the Police in investigation of crime and in detection of crime and it is his duty to give out what are all the facts known to him in respect of a certain case or crime. Then alone it would be possible to have only true cases put forward, in Courts of Law and all true cases ending in conviction. Apart from all these difficulties, I am able to say with a certain amount of pride that we are maintaining a very high standard compared with the state of affairs existing in other States. I do not wish to say anything about the state of affairs in other States except to say that having compared our figures with the figures relating to other States in respect of the number of convictions in the original Courts and the number of convictions upheld in the High Court we have got a very high percentage and we have nothing to feel ashamed about it. Therefore, if only there is further public co-operation which should come from responsible quarters, I am sure there is bound to be greater improvement. With reference to detection of professional crimes, we are trying our best to improve our methods

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of investigation, to use the various advanced scientific methods available for the detection of professional crime and we are meeting with very great success in this sphere. Therefore, I am sure, the House will join me in paying our tribute to the Police Force in acting under the existing circumstances and achieving very good results.

“ I do agree that it is necessary to tone up the Police administration and particularly so because they wield very great powers. Any Police official can put any person however respectable he may be in jail for a temporary period. But in the interest of the community, we have to arm the Police with such powers. It is necessary to see that the Police maintain a very high standard in exercising these powers. I am not prepared to say that we are fully satisfied with the existing conditions. There is room for improvement and we are taking all steps to improve the prevailing conditions. But making a general accusation that every Police Officer is bad is not going to contribute to the improvement of the existing state of affairs. On the other hand, that will deteriorate the existing condition. That is my view. If a general accusation is made that every Police official is dishonest, there will not be inducement even for the honest officers in the Department to function properly. We should be able to weed out the bad eggs and treat them separately. Wholesale condemnation of the Police officers and the Police Department would not lead to any improvement in the administration of Police Department. Therefore my request to hon. Members is that if they have got any individual complaint against Police officers or Policemen, it is better that they pass it on to Ministers of the Government or to high officials in the department rather than make general charges that the Policemen or Police officials are behaving in such and such a way, that they are generally dishonest and that they are not acting in a fair manner. In the interest of the Police administration, in the interest of the Government and in the interest of the community, such general charges, if I may say so with great respect, should be avoided, as far as possible. I am giving this assurance on behalf of the Government, on behalf of the head of the Police Administration and other high officials in the Department that any complaint from any responsible person will be duly looked into, will be duly enquired into and that there is no question of favouring anybody or trying to protect any official. We shall try to do justice in the matter. Therefore, I would appeal to the hon. Members and also to the public that wherever there has been any injustice done to them because of any action taken by any Police officer as a Police officer, instead of having a grievance against the Police as such, they should localize it and lodge a complaint with reference to that and we shall try to see that these complaints are properly enquired into. In this connection, I have to inform the House that this aspect of the matter was also discussed at the Conference of the Home Ministers convened recently at New Delhi whether we should not have a separate staff for the purpose of enquiring into the complaints against policemen as such or whether we should utilize the same

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machinery for the purpose of enquiring into complaints against Policemen. On this matter, the Government of India and other State Governments as a whole would be taking a decision.

10-20 a.m. " But so long as we have a machinery we should utilize it to the best advantage possible. I may tell the House that there is a separate branch which is in charge of enquiring into the complaints against officers as such—leave alone the Police Officers—and it includes all officers. That branch is acting in a very fair manner and very efficiently too. Simply because, a person belongs to the Police Department he is not favoured and no undue protection or unjust protection is given to him. But in order to create confidence in the people, not only should it be enquired into properly, but also people should feel that it is being properly looked into. Whether a separate machinery should be set up for the Police Officers may be considered by the Government of India and by the other State Governments. Till then, I am sure, the existing machinery should be utilized to the best advantage possible. As I said already, they are functioning quite properly.

" In this connection I am glad that hon. Members took some interest in the amelioration of the conditions of policemen, particularly the police constables and head constables. I do agree with them, more especially because of the onerous responsibility put upon them, that they are entitled to better living conditions. That is what the Government are trying, and as a first step we are taking up the problem of housing and in that we are making good progress. As I have already stated in my Budget Speech, we have asked the Government of India for loan assistance to the extent of four crores of rupees, so that the housing programme might be taken up to house 90 per cent of our policemen within the next two or three years. I am hoping that with the assistance of the Central Home Minister, it would be possible to get the loan assistance and to take up the housing programme on an extensive scale so that we can solve this problem. When we solve the problem of housing our policemen, it will also solve the problem of the middle-class and the lower middle-class people incidentally. The houses now occupied by policemen would be then released for the occupation of the middle-class citizens. Therefore it is not necessary for the purpose of relieving the housing problem of the ordinary citizens, to concentrate upon putting up of houses for industrial labour and middle-class and lower class people who are not in the police force; for, to some extent the houses in the occupation of policemen would be then available for the community as a whole. Therefore, from this point of view, I am sure, the Government of India would take a sympathetic attitude to the request we have made. I am hoping that that assistance would be available to us for taking up the Housing programme.

" Apart from that, even within our limited resources, we have allotted Rs. 40 lakhs for putting up houses for policemen in the Budget year 1955-56. We have already started 389 houses which are in the process of construction and which would be completed

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during the next year. Not only houses, but other living conditions also we are trying to improve and I am sure the whole House would support the Government in any measure that they may take in improving the living conditions and improving the status of the last grade men in the Police Department.

“ Sir, this year has particularly been very critical in view of the conditions which prevailed round about Pondicherry and other ex-French areas. During these critical periods, I am glad to say, that our Police have functioned and managed very well. Now that the transfer of Pondicherry to the Indian Union has taken place, that problem has also been completely solved. So also, during the recent District Board elections, our Police have discharged their functions very well. Of course, if I now refer to Avadi Session, hon. Members may feel that it was a party affair. It was not merely a party affair. It was more than that it was controlling a big congregation and even in such a situation, the police had handled the affair very well. We have the certificate from very high personages coming from the various other States and from the Centre and they have paid encomiums to the Police for managing the situation under very difficult conditions. Within a very limited period, they had managed lakhs of people congregating in one area. Not only law and order situation, but traffic situation, health situation and so many other things and all these were taken care of by the Police. I am glad—I say it with a pride—that our Policemen rose to the occasion and discharged their function very well and very properly too.

“ Sir, I am sure the House does not expect me to deal with any of the further points raised by the various other hon. Members. I may assure them that all those points would be scrutinized and examined and whatever action is necessary will be taken. With this assurance I am sure the hon. Member who moved the cut motion will withdraw the cut motion so that we may pass this Demand unanimously and a sense of confidence may be created in the Police that we look upon them as our friends and that we expect them to discharge their duties as the friends of the community as a whole, and to create an atmosphere of mutual friendliness. I hope the hon. Member would withdraw his cut motion.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, let me hope that for the next Budget Session, we may have—some of the members at least—the pleasure to withdraw our cut motions. But let it be there for this year.”

MR. SPEAKER :—“ The question is—

‘ That the allotment of Rs. 5,24,63,500 under Demand XIV—Police—be reduced by Rs. 100.’ ”

The motion was put and lost.

MR. SPEAKER :—“ The question is—

‘ That Government be granted a sum not exceeding Rs. 5,24,63,500 under Demand XIV—Police.’ ”

The Demand was carried and the Grant was made.